

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JACQUELINE LASSITER,

Plaintiff,

v.

KIMBER ANDERSON, BRIAN GIBBS,
FLEET NATIONAL BANK

Defendants.

Civil Action No. 04-cv-10550-WGY

**DEFENDANT FLEET NATIONAL BANK'S MOTION TO DISMISS PLAINTIFF'S
CLAIMS PURSUANT TO TITLE VII**

Defendant Fleet National Bank hereby moves pursuant to Federal Rule of Civil Procedure 12(h)(3) to dismiss claims alleged in Count II of the plaintiff's Complaint brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, ("Title VII") for employment discrimination and retaliation.

As grounds for this motion, Defendants state that plaintiff, Jacqueline Lassiter, ("Plaintiff" or "Lassiter") has failed to request or receive a right to sue letter from the Equal Employment Opportunity Commission, which is a prerequisite to the filing of suit in court under the statute, and therefore the Court lacks jurisdiction over such subject matters. In further support of this motion, Defendant refers to and incorporates herein the reasons stated in the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Claims Pursuant to Title VII.

WHEREFORE, because Plaintiff has failed to comply with the procedural prerequisites to filing suit under Title VII, such claims as Plaintiff has brought pursuant to 42 U.S.C. § 2000e, *et seq.*, should be dismissed.

FLEET NATIONAL BANK

By its attorneys,

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Dated: January 27, 2005

CERTIFICATE OF SERVICE

I hereby certify that on this 27TH day of JANUARY, 2005, a copy of the foregoing document was served upon the following counsel of record for the parties via CM/ECF electronic mail and first class mail:

Winston Kendall, Esq.
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Roxbury, MA 02119

/s/ Siobhan M. Sweeney
Siobhan M. Sweeney

CERTIFICATE PURSUANT TO L.R. 7.1

I hereby certify that on the 26th day of January 2005, the parties and the Court conferred at the pretrial conference with a view to narrowing the issues raised in this motion and the Court directed parties to brief the issues raised.

/s/ Siobhan M. Sweeney
Siobhan M. Sweeney